

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To: HALDOR TOPSOE AS Nymollevej 55 DK-2800 Kgs. Lyngby DANEMARK	Date: <u>29-3-05</u> Responsible: <u>HAB</u> Deadline: <u>None</u> ✓ Subject: <u>Neuralase</u>
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**NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**
(PCT Rule 71.1)

Date of mailing (day/month/year)	24.03.05
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Applicant's or agent's file reference WO382-7437003		IMPORTANT NOTIFICATION	
International application No. PCT/EP 03/13942	International filing date (day/month/year) 09.12.2003	Priority date (day/month/year) 21.12.2002	
Applicant HALDOR TOPSOE AS et al.			


1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Roche, S Tel. +49 89 2399-8031
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WO382-7437003	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/13942	International filing date (day/month/year) 09.12.2003	Priority date (day/month/year) 21.12.2002
International Patent Classification (IPC) or both national classification and IPC C07C29/151		
Applicant HALDOR TOPSOE AS et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 04.11.2004	Date of completion of this report 24.03.05
Name and mailing address of the international preliminary examining authority: <div style="display: flex; align-items: center;"> <div> European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 </div> </div>	Authorized Officer Breimaier, W Telephone No. +49 89 2399-8327



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/13942**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-4 received on 14.11.2004 with letter of 02.11.2004

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/13942**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-4
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-4
Industrial applicability (IA)	Yes: Claims	1-4
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

D1: EP-A 0 790 226

novelty Art. 33(2) PCT

The present invention concerns a catalytic two-stage process for making methanol from synthesis gas according to claim 1, steps (a-e) which differs from the available state of the art by the fact that the process stream of the first stage is cooled which is then reduced in a second stage according to steps b) and c).

The subject-matter according to claim 1 and dependent claims 2-4 are therefore new.

inventive step Art. 33(3) PCT

The present subject-matter according to claims 1 to 4 seems not to be based on an inventive step.

The closest state of the art D1 concerns an at least two-stage methanol process from synthesis gas on a Cu based catalyst wherein the effluent stream of the first reactor is directly without cooling introduced into a second reactor being cooled (see page 2, l. 32-38, 55/56, page 3, l. 14/15, l. 30-32, claims 1 and 3, fig. 1 and example).

In view of D1, the problem to be solved by the present invention is the provision of an **alternative** methanol process.

The present solution to this problem resides in the finding that the effluent stream of the first reactor is first cooled which is then introduced into a second reactor for hydrogenating as described in claim 1, fig. 2 and the examples.

In view of the teaching of D1 combined with common general knowledge, it is considered that the skilled person would have reached at the present solution in an obvious manner. D1 already teaches that reduced hydrogenation temperatures favour the production of methanol. This is realised by hydrogenating a first process stream in a second stage whilst being cooled therein (see page 3, l. 30-32). In contrast to D1, in the present MeOH process the first process stream is cooled and then hydrogenated in a second stage. This different "cooling" embodiment, i.e. hydrogenating and cooling within the second reactor (D1) or hydrogenating a pre-cooled process stream in a second reactor (invention), in order to favour the production of methanol appears to be an obvious means requiring no inventive skill of the skilled person using his common general knowledge in order to exploit the teaching of D1.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP 03/13942

In addition, it is noted that in the process of D1 as well as in the present method the production of MeOH is favoured, i.e. in D1 aldehydes and ketones which are common by-products although not explicitly described therein are also "implicitly" reduced. Thus, the mere fact that in D1 these by-products are not explicitly described as being reduced during hydrogenation cannot be used to establish inventiveness of the present process.

Furthermore, no advantageous and/or surprising effect vis-à-vis D1 has been shown which would support inventiveness for an improved methanol process.

Thus, an inventive step for the subject-matter as claimed cannot be given.

further remarks

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 as well as EP-A 0 501 331, EP-A 0 483 919, EP-A 0 682 002, US-A 4 766 154 and US-A 5 753 194 is not mentioned in the description, nor are these documents identified therein.

International Patent Application No. PCT/EP03/13942
Haldor Topsøe A/S
Date: 02 November 2004

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CLAIMS

1. A process for the production of methanol from a
10 feed stream being rich in hydrogen, carbon monoxide and
carbon dioxide comprising the steps of
- (a) contacting the feed stream with a methanol synthe-
sis catalyst and obtaining a process stream comprising
15 methanol, aldehydes and ketones and unconverted hydrogen,
carbon monoxide and carbon dioxide;
- (b) cooling the process stream of step (a) to a tem-
perature of between 20°C and 200°C;
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- (c) contacting the cooled process stream from step (b)
with a hydrogenation catalyst being active in the hydro-
genation of aldehydes and ketones into corresponding alco-
hols and obtaining a process stream being enriched in
25 methanol and depleted in aldehydes and ketones;
- (d) cooling and condensing the process stream of step (c);
and
- 30 (e) separating the process stream of step (d) into a gas
phase and a liquid phase with crude methanol.
2. The process of claim 1, wherein the hydrogenation
catalyst contains 10-95% by weight of copper.

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Replacement Page

3. The process of claim 1, wherein the hydrogenation catalyst is a noble metal based catalyst.

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4. The process of claim 1, wherein the hydrogenation catalyst is in the form of pellets, extrudates, monolith, catalysed hardware or a powder suspended in a liquid methanol phase.

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